

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JURGEN HERMANN
JOSEF VAN STEEMIS,
Petitioner,

Case No. 1:15-cv-382

vs

Dlott, J.
Bowman, M.J.

UNITED STATES OF AMERICA,
Respondent.

**REPORT AND
RECOMMENDATION**

Petitioner was an inmate at the Butler County Jail when he initiated this action by filing an incomplete application for leave to proceed *in forma pauperis* in connection with a *pro se* pleading entitled “Petition For A Writ Of Coram Nobis And Or Audita Querela.” (*See* Doc. 1). Petitioner, who is now incarcerated at the Morrow County Correctional Facility in Mt. Gilead, Ohio (*see* 3), was granted a 30-day extension of time on July 24, 2015 in which to comply with a Deficiency Order issued June 26, 2015. (*See* Docs. 2, 4). In both the July 24, 2015 Order and the June 26, 2015 Deficiency Order, petitioner was expressly advised that his failure to comply with the Deficiency Order would result in the dismissal of this action for want of prosecution. (Doc. 2, at PAGEID#: 28; Doc. 4, at PAGEID#: 31). However, to date, although the 30-day extended deadline date has expired, petitioner has yet to comply with the June 26, 2015 Deficiency Order.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to an order

of the court warrants invocation of the Court's inherent power in this federal habeas corpus proceeding. *See* Fed. R. Civ. P. 41(b); *see also* Rule 11, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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